

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIFE ENRICHMENT FOUNDATION, individually
and on behalf all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY
O'NEAL, AHMASS L. FAKAHANY, GREGORY
J. FLEMING, and JEFFREY N. EDWARDS,

Defendants.

MICHAEL J. SAVENA, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY
O'NEAL, AHMASS L. FAKAHANY, GREGORY
J. FLEMING, and JEFFREY N. EDWARDS,

Defendants.

ELECTRONICALLY FILED

CIVIL ACTION No. 07cv9633 (LBS)

CIVIL ACTION No. 07cv9837 (LBS)

[Additional Captions on Following Page]

**DECLARATION OF ROBERT N. KAPLAN IN SUPPORT OF THE
MOTION OF THE STATE TEACHERS' RETIREMENT SYSTEM OF OHIO FOR
(1) CONSOLIDATION; (2) APPOINTMENT AS LEAD PLAINTIFF; AND
(3) APPROVAL OF LEAD PLAINTIFF'S CHOICE OF CO-LEAD COUNSEL**

GARY KOSSEFF, individually and on behalf of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY O'NEAL, AHMASS L. FAKAHANY, GREGORY J. FLEMING, and JEFFREY N. EDWARDS,

Defendants.

ROBERT R. GARBER, individually and on behalf of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY O'NEAL, AHMASS L. FAKAHANY, GREGORY J. FLEMING, and JEFFREY N. EDWARDS,

Defendants.

CIVIL ACTION No. 07cv10984 (LBS)

CIVIL ACTION No. 07cv11080 (LBS)

JAMES CONN, individually and on behalf of all others similarly situated,

Plaintiff,

v.

MERRILL LYNCH & CO., INC., E. STANLEY O'NEAL, JEFFREY N. EDWARDS, JEFFREY N. EDWARDS, LAWRENCE A. TOSI, ARMANDO M. CODINA, VIRGIS W. COLBERT, ALBERTO CRIBIORE, JOHN D. FINNEGAN, JUDITH MAYHEW JONAS, AULANA L. PETERS, JOSEPH W. PRUEHER, ANN N. REESE, and CHARLES O. ROSSOTTI,

CIVIL ACTION No. 07cv11626 (LBS)

Defendants.

I, ROBERT N. KAPLAN, declare the following under the penalty of perjury:

1. I am a partner at the law firm of Kaplan Fox & Kilsheimer LLP.

2. I am admitted to practice before this Court and am a member in good standing. I respectfully submit this Declaration in Support of the Motion of the State Teachers' Retirement System of Ohio ("Ohio STRS") for: (a) consolidation of the securities class actions against Merrill Lynch & Co., Inc. ("Merrill Lynch"); (b) appointment as Lead Plaintiff for the securities class actions against Merrill Lynch; and (c) approval of Lead Plaintiff's choice of Co-Lead Counsel.

2. Attached hereto are true copies of the following documents:

A. Exhibit A, Lead Plaintiff Certification of Ohio STRS Pursuant to the Private Securities Litigation Reform Act of 1995;

B. Exhibit B, Chart setting forth transactions and estimated losses of Ohio STRS for the applicable period;

C. Exhibit C, October 30, 2007 Notice of Pendency of Class Action Lawsuit against Merrill Lynch, *et al.* for violation of certain provisions of the federal securities laws;

D. Exhibit D, December 7, 2007 Notice of Pendency of Class Action Lawsuit against Merrill Lynch, *et al.* for violation of certain provisions of the federal securities laws;

E. Exhibit E, Firm resume of Kaplan Fox & Kilsheimer LLP;

F. Exhibit F, Firm resume of Schiffriin Barroway Topaz & Kessler, LLP; and

G. Exhibit G, Firm resume of Berger & Montague, P.C.

Dated: January 2, 2008

/s/ Robert N. Kaplan

Robert N. Kaplan

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 2, 2008, I caused to be electronically filed the foregoing paper with the Clerk of the Court using the ECF System which will electronically send notification of such filing to the registered participants and paper copies will be sent via first-class mail postage pre-paid to those indicated as non-registered participants on January 2, 2008.

/s/ Jeffrey P. Campisi
Jeffrey P. Campisi

January 2, 2008